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10/665,544

09/19/2003

Kam Lun Chui

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EXAMINER

SNIDER, THERESA T

ART UNIT

PAPER NUMBER

1744

MAIL DATE

DELIVERY MODE

05/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/665,544

Applicant(s)

CHUI ET AL.

Examiner

Theresa T. Snider

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9, 11, 12 and 14 is/are allowed.
- 6) ☒ Claim(s) 15, 16, 18 and 20 is/are rejected.
- 7) ☒ Claim(s) 17 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/1/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 15 recites the 'controller disposed within the housing'. Claim 16 recites the controller is a 'float and a switch'. Page 11, lines 16-17 disclose the switch on the 'exterior' wall of the housing, as opposed to disposed 'within' the housing.
2. Claims 18-20 are is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Exemplary of such:

Claim 18, line 2, it is unclear as to whether 'a float' is in addition to that of claim 16 or one in the same.

Claim 19, line 2, 'the circular' should be replaced with 'any circular'.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 15-16, 18 and 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Chang(4,776,060).

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Chang discloses a housing including a portion for separating liquid and contaminants from a stream of fluid and a portion for collecting the separated liquid and contaminants (fig. 1, #1,5, portion between 5 and 22 being 'portion for collecting').

Chang discloses a suction opening fluidically connected to the housing (fig. 1, #4).

Chang discloses a suction source for maintaining the stream of fluid (unnumbered element in #131, to right of lead line #70).

Chang discloses a controller disposed within the housing for stopping the suction source (fig. 1, #9, col. 3, lines 22-29).

Chang discloses a protective structure at least partially surrounding at least a portion of the controller (fig. 1, #8).

With respect to claim 16, Chang discloses the controller including a float and a switch (fig. 1, #9,11).

With respect to claim 18, Chang discloses the protective structure is a guide for constraining the float therein (fig. 1, #8,9).

With respect to claim 20, Chang discloses the guide is a tube with openings at a top and bottom (fig. 2, #8).

5. Claims 15-16 and 18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Choi(5,201,095).

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Choi discloses a housing including a portion for separating liquid and contaminants from a stream of fluid and a portion for collecting the separated liquid and contaminants (fig. 1, #1,14, portion between 14 and 11 being 'portion for collecting').

Choi discloses a suction opening fluidically connected to the housing (fig. 1, #12).

Chang discloses a suction source for maintaining the stream of fluid (fig. 1, #2,5).

Choi discloses a controller disposed within the housing for stopping the suction source (fig. 1, #31, col. 4, lines 25-39).

Choi discloses a protective structure at least partially surrounding at least a portion of the controller (fig. 1, #3).

With respect to claim 16, Choi discloses the controller including a float and a switch (fig. 1, #31,6).

With respect to claim 18, Choi discloses the protective structure is a guide for constraining the float therein (fig. 1, #3).

Response to Arguments

6. Applicant's arguments with respect to claims 9 and 11-12 are persuasive but are moot with respect to claims 15-16, 18 and 20 in view of the new ground(s) of rejection.

Allowable Subject Matter

7. Claims 1-9, 11-12 and 14 are allowed.

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8. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

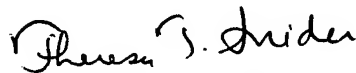
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Friday (5:30am-2:00pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



THERESA T. SNIDER
PRIMARY EXAMINER

Theresa T. Snider
Primary Examiner
Art Unit 1744

5/14/07